

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

OCTAVOUS FAYTON

Defendant.

23-cr-00001-JLR

ORDER

JENNIFER L. ROCHON, United States District Judge:

This Order reflects the exhibits admitted during the Suppression Hearing held before this Court on September 26, 2023.

- Government Ex. 1: Body-Worn Camera Footage (Officer Lluberes)
- Government Ex. 2: Body-Worn Camera Footage (Officer Paulino)
- Government Ex. 4: Grand Jury Transcript (8/25/22) from The Bronx Criminal Court
- Government Ex. 5: Officer Lluberes's Complaint Report
- Defendant Ex. A: A Lluberes - Vehicle Report
- Defendant Ex. B: Photograph - Intersection of 213th & White Plains Rd.
- Defendant Ex. C: Photograph - Intersection of 215th & White Plains Rd.
- Defendant Ex. D: Photograph - Intersection of 216th & White Plains Rd.
- Defendant Ex. E: Photograph - Intersection of 220th & White Plains Rd.
- Defendant Ex. F: Photograph - 220th St. near Carpenter Ave.
- Defendant Ex. G: Photograph - Intersection of Olinville & 216th St.
- Defendant Ex. G-1: Photograph - Olinville Ave near 216th - stop sign
- Defendant Ex. G-2: Map - Intersection of E 216th St. & Olinville Ave
- Defendant Ex. H: Photograph - Intersection of 216th & Bronx Blvd.
- Defendant Ex. I: Map - Route driven by Mr. Fayton & Officers Lluberes & Paulino
- Defendant Ex. L: Photograph - Intersection of 219th and White Plains Rd.
- Defendant Ex. R: Officer Paulino Activity Log
- Defendant Ex. X: Photo - White Plains Road & 214th Street
- Defendant Ex. Y: Stipulation

Dated: October 12, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

GX 1 & 2

SEE NATIVE FILES

Body-Worn Camera Footage

CML1

1

2

3 PEOPLE OF THE STATE OF NEW YORK/BRONX COUNTY

4

5 VS

6

7 OCTAVOUS FAYTON

8

9 DEFENDANT

10

11

12 * * * * *

13

14

15

16 PRESENTED BY: ADA SINGH/TRIAL 50

17

18 REPORTED BY: CHRISTINA M. LISELLA

19

20

21 DATE: AUGUST 25, 2022

22

PANEL & TERM: C / 9

23

GRAND JURY #: 42691

24

DOCKET #: CR-014321-22BX

25

GOVERNMENT
EXHIBIT

4

23 Cr. 001 (JLR)

USAO_00001392

CML2

1 MR. SINGH: I am Assistant District Attorney
2 Naresh Singh of Trial Bureau 50. This is the case
3 of the People of the State of New York versus
4 Octavous Fayton, docket number CR-014321-22BX,
5 grand jury number is 42691.

6 At this time I ask the grand jury foreperson
7 whether a quorum is present.

8

9 FOREPERSON: Let the record reflect that a
10 quorum is present.

11

12 MR. SINGH: Thank you.

13 At this time I call Officer Jonathan Lluberes
14 to the grand jury chambers.

15

16

17

18

19

20

21

22

23

24

25

CML3

1 POLICE OFFICER JONATHAN LLUBERES, after having
2 been duly sworn, testified as follows:
3

4 EXAMINATION BY MR. SINGH:
5

6 Q. Good morning, Officer. Could you please
7 introduce yourself to the members of the grand jury
8 by stating your name, your shield and your command.
9

10 A. Good morning. Officer Lluberes,
11 47 Precinct, shield 21473.

12 Q. How long have you worked for the New York
13 City Police Department?

14 A. Three years.
15

Q. And what is your current assignment with
the NYPD?

A. I'm a public safety officer.

Q. Could you describe some of your duties
and responsibilities as a public safety officer?

A. To patrol high crime areas where
robberies, gang violence, and all that kind of
stuff is happening.

Q. And how long specifically had you worked
within the public safety unit within the NYPD?

A. Almost a year.

Q. I now want to direct your attention to

CML4

1 August 14, 2022, approximately 6:40 p.m., were you
2 working on that date and approximate time in your
3 capacity as a New York City Police Officer?

4 A. Yes.

5 Q. And did you have an occasion to arrest
6 anyone in particular on that date and approximate
7 time?

8 A. Yes.

9 Q. Who is it that you arrested?

10 A. Mr. -- I can't pronounce his last name
11 again, can you --

12 Q. Would something refresh your
13 recollection?

14 A. Yes.

15 Q. Would the Arrest Report?

16 A. The Arrest Report would refresh my
17 recollection.

18 Q. Okay.

19

20 MR. SINGH: I'm handing the witness a one-page
21 document.

22

23 Q. Officer, has your recollection been
24 refreshed?

25 A. Yes.

CML5

1 Q. Who is it that you arrested?

2 A. Mr. Fayton, Octavous.

3 Q. Okay. Let's talk about the circumstances
4 leading up to the arrest of the defendant.

5 Where did you first observe the defendant
6 on August 14, 2022?

7 A. I saw the defendant facing northbound on
8 White Plains Road and Gunhill.

9 Q. And in what direction were you facing at
10 that time?

11 A. I was facing westbound on Gun Hill Road.
12

13 MR. SINGH: So, I am going to have what is in
14 my hand marked for identification purposes as Grand
15 Jury 1.

16 I'm showing Grand Jury 1 to the witness.
17

18 Q. Officer, do you recognize that what has
19 been marked for identification purposes as Grand
20 Jury 1?

21 A. Yes.

22 Q. What do you recognize it to be?

23 A. It's the area I patrol.

24 Q. And what kind of map is this?

25 A. It's a Google Maps.

CML6

1 Q. And is this a fair and accurate
2 depiction, or aerial view, of the location in which
3 you patrol?

4 A. Yes, sir.

5 Q. And how long have you be patrolling in
6 that area?

7 A. Approximately three years.

8 Q. Okay.

9

10 MR. SINGH: So now I'm going to have what has
11 been previously marked for identification purposes
12 into evidence as Grand Jury Number 1, and I am
13 going to display Grand Jury 1 on the Elmo device.

14

15 (So publishing on the Elmo)

16

17 Q. Officer Lluberes, having looked at Grand
18 Jury 1 on the screen here, can you point to the
19 location on Grand Jury 1 -- and you can stand up if
20 you need to just so you can get closer to the
21 screen.

22 A. Okay.

23 Q. Could you point to the location where you
24 were when you first came across the defendant?

25 A. Sure. We were standing right here, Gun

CML7

1 Hill, westbound on Gunhill.

2

3 MR. SINGH: And let the record reflect the
4 witness has pointed nearest to the icon on the
5 left-hand side that says United States Postal
6 Service.

7

8 Q. And where did you observe the defendant
9 when you first came across him?

10 A. The defendant was here facing northbound
11 on White Plains Road.

12

13 MR. SINGH: And for the record, the witness is
14 pointing to the location just slightly under the
15 icon that says Gun Hill Road, within an M.

16

17 Q. When you first came cross the defendant,
18 where were you, in a vehicle or on foot?

19 A. We were in a vehicle.

20 Q. Was it a marked vehicle, or an unmarked
21 vehicle?

22 A. Unmarked vehicle.

23 Q. And when you first came across the
24 defendant, or when you first observed the
25 defendant, how did you observe him?

CML8

1 A. From in front, from inside the vehicle.

2 Q. Was the defendant in a vehicle, or was he
3 on foot?

4 A. He was in a vehicle.

5 Q. What kind of vehicle?

6 A. It was a dark-colored, sort of gray,
7 5 series BMW.

8 Q. And what, if anything, did you notice
9 about this vehicle?

10 A. He was missing his front licence plate,
11 he had a defective headlight, and he had excessive
12 tinted windows.

13 Q. And after you first came across the
14 defendant after you noticed these things, what did
15 you do?

16 A. I proceeded to go around to go behind him
17 through White Plains Road, safely, to get behind
18 him to proceed to conduct a lawful car stop.

19 Q. What happened after you made that turn to
20 go behind him?

21 A. As we make this turn here, the light
22 turned green and he proceeded to move towards
23 northbound on White Plains Road at a high rate of
24 speed.

25 Q. Now, you say a high rate of speed. Can

CML9

1 you explain to the members of the grand jury why
2 you made that determination that it was a high rate
3 of speed?

4 A. We were going over the speed limit and we
5 couldn't catch up.

6 Q. What, if anything, happened as the
7 defendant proceed down White Plains Road?

8 A. The defendant then made a left turn on
9 East 220th Street, a sharp left turn.

10 Q. Now, you say that the defendant made a
11 sharp left turn on East 220th Street. From your
12 vantage, can you just describe how he made this
13 sharp left turn?

14 A. Sure. So, White Plains Road has a
15 railroad on top and has several pillars that holds
16 the train station, and he was pretty close to the
17 pillars crossing over the yellow lines.

18 Q. And can you just describe the vicinity,
19 or I guess that particular area, as the defendant
20 was making this sharp left turn?

21 A. Sure. It's a commercial area. At that
22 time it's a lot of trucks loading and unloading,
23 and there is a lot of pedestrians crossing the
24 street.

25 Q. And when the defendant was making this

CML10

1 sharp left turn, did you see any pedestrians in the
2 area getting ready to cross?

3 A. Yes, there were pedestrians in the area
4 when he began to cross.

5 Q. After the defendant made this sharp left
6 turn onto East 220th Street from White Plains Road,
7 what happened next?

8 A. He then proceeded westbound on 220th
9 Street all the way to Carpenter.

10 Q. Now, can you just describe what the
11 street conditions were like on East 220th Street?

12 A. Yeah, 220th Street is a one-way street
13 with vehicles on each side, the right and the left
14 side.

15 Q. And what was the defendant's speed,
16 approximately?

17 A. It was over the speed limit.

18 Q. And what happened when you observed the
19 defendant get to the corner of East 220th Street
20 and Carpenter Avenue?

21 A. He then proceeded to make another sharp
22 left turn.

23 Q. When you say a sharp left turn, can you
24 just describe how this was a sharp left turn?

25 A. A sharp turn described as a high rate of

CML11

1 speed.

2 Q. And was he close to any vehicles?

3 A. Yes, he was close to vehicles on the left
4 side.

5 Q. Were they parked, or were they in motion?

6 A. They were parked vehicles.

7 Q. Now, after the defendant made this next
8 sharp left onto Carpenter Avenue -- actually,
9 withdrawn.

10 When the defendant made this sharp left
11 from East 220th onto Carpenter Avenue, where were
12 you at that time?

13 A. I was about half a block behind him.

14 Q. And after you observed the defendant make
15 this sharp left turn onto Carpenter Avenue, what
16 happened next?

17 A. We proceeded and we got to the corner of
18 220th Street and Carpenter Avenue where we then
19 observed him making another left on 219th Street
20 and Carpenter.

21 Q. Okay. Can you just describe the
22 conditions of the road when the defendant was
23 making that left from Carpenter onto East 219th
24 Street?

25 A. Sure. Carpenter runs southbound, one-way

CML12

1 street, cars parked on the right and left side.

2 Q. Did anything happen when the defendant
3 was making the sharp left turn onto East 219th
4 Street?

5 A. Yes.

6 Q. What happened?

7 A. There was a car pulling out from the
8 right side parking spot into 219th Street, and the
9 vehicle did squeeze into the cars from the front,
10 to the front.

11 Q. What happened after you saw the defendant
12 make that turn?

13 A. We proceeded to get to that corner, where
14 we had to utilize our sirens to actually get to
15 that corner.

16 Q. And what happened after you got to that
17 corner?

18 A. We observed him making a right turn into
19 Olinville and 219th Street.

20 Q. What happened after the defendant made
21 that turn?

22 A. We proceeded to get to the corner, where
23 we observed him squeezing in between a parked
24 vehicle that was on Olinville Avenue.

25 Q. Now, can you just describe what that

CML13

1 street is like?

2 A. Yes. Olinville runs southbound, cars
3 parked on both sides.

4 Q. On this particular day, on August 14, you
5 mentioned that he squeezed between two cars. Can
6 you just describe that a little bit further?

7 A. Sure. There was a car parked on the
8 right side, double-parked on the right side, where
9 the defendant squeezed through it at a high rate of
10 speed causing alarm to the driver of that vehicle.

11

12 MR. SINGH: Members of the grand jury, I'm
13 going to just give you a quick instruction
14 regarding the testimony about causing alarm to the
15 driver of the double-parked vehicle. It's
16 speculation, so you are not to consider that
17 portion, just that portion of the testimony.

18

19 Q. On Olinville Road, are there any sort of
20 speed controlled devices?

21 A. Yes, yes.

22 Q. What kind of speed control devices?

23 A. Speed bumps.

24 Q. And what's the speed limit in that area?

25 A. 20 miles per hour.

CML14

1 Q. And how fast was the defendant going?

2 A. He was going over 20 miles per hour.

3 Q. Going back to when you saw the defendant
4 squeeze between this double-parked car and the
5 other car that was parked on the other side of the
6 street, how close was the defendant to these cars?

7 A. Extremely close.

8 Q. After the defendant went past the
9 double-parked car and over the speed bump, what
10 happened next?

11 A. He proceeded to make a right turn into
12 Olinville and 216th Street.

13 Q. Can you describe what the street
14 conditions are on East 216th Street?

15 A. It's a westbound street with cars parked
16 on both sides, with a bike lane on the left side as
17 well.

18 Q. At this moment in time, what were you
19 doing in your vehicle?

20 A. We activated our lights and sirens.

21 Q. Why did you activate lights and sirens at
22 this point in time?

23 A. We had already caught up to him.

24 Q. What were you planning on doing after
25 activating the lights and sirens?

CML15

1 A. Pulling him over and conducting a lawful
2 car stop.

3 Q. Now, you just described the street of
4 East 216th Street. After you activated your lights
5 and sirens, did the defendant pull over
6 immediately?

7 A. He did not.

8 Q. Were there available spaces for the
9 defendant to pull over?

10 A. Yes.

11 Q. What did the defendant do instead?

12 A. He proceeded to move forward and make a
13 right turn into Bronx Boulevard and East 216th
14 Street.

15 Q. Did there come a time where the defendant
16 ultimately stopped the vehicle?

17 A. Yes.

18 Q. And what happened after the defendant
19 stopped his vehicle?

20 A. We approached the vehicle and asked for
21 documentation.

22 Q. Prior to approaching that vehicle, was
23 the defendant given any instructions or commands?

24 A. There were instructions given to stop the
25 vehicle, turn it off, and bring all his windows

CML16

1 down.

2 Q. And did he immediately comply?

3 A. He did not.

4 Q. Did there come a point in time where he
5 eventually complied?

6 A. He had.

7 Q. And when the defendant eventually
8 complied with those orders, what happened next?

9 A. As I mentioned, we approached the vehicle
10 and we asked for license and registration, which is
11 documentation.

12 Q. Now, after license registration and other
13 documentation were provided, what happened after
14 that?

15 A. The defendant was asked to step out of
16 vehicle, and was placed under arrest.

17 Q. And very quickly, was there anyone else
18 inside the vehicle at that time?

19 A. No one else.

20 Q. When the defendant was asked to step out
21 of the vehicle and was placed under arrest, what
22 was he being placed under arrest for?

23 A. Reckless driving.

24 Q. After the defendant was placed under
25 arrest, what happened next?

CML17

1 A. We proceeded to take him back to the
2 station, and his vehicle.

3 Q. And what happened when the vehicle and
4 the defendant got back to the station?

5 A. The defendant was lodged, and then the
6 vehicle was inventoried.

7 Q. You say inventoried. What does that
8 mean?

9 A. Inventory means to ensure that we protect
10 the property, also to have unwanted claims of loss
11 or theft, to protect members of the service and the
12 public from dangerous instruments, and also to keep
13 an itemized list of the property that was taken
14 from the defendant.

15 Q. And when you say the defendant, in this
16 particular case do you mean the vehicle?

17 A. The vehicle, yes.

18 Q. So now, let's talk about this inventory.
19 Do you have any discretion, or can you just do the
20 inventory search in whatever way you see fit?

21 A. No.

22 Q. Explain how you are required to conduct
23 an inventory search?

24 A. As our Patrol Guide states, we are
25 supposed to itemize every item, categorize it, like

CML18

1 I mentioned before. It's just a way to keep all
2 the items labeled correctly.

3 Q. Okay. And you mentioned a Patrol Guide.
4 What relevance does the Patrol Guide have an in
5 conducting inventory searches?

6 A. What relevance? What do you mean by
7 relevance?

8 Q. Why does the Patrol Guide instruct you in
9 terms of the inventory search? Does it provide you
10 rules and regulations and how you conduct this
11 inventory search?

12 A. Yes.

13 Q. And did you follow those rules and
14 guidelines when conducting this inventory search?

15 A. Yes.

16 Q. What, if anything, happened as you were
17 conducting this inventory search?

18 A. When I was conducting the inventory
19 search, on the front passenger's side I did observe
20 a black fanny pack on the floor mat. When I picked
21 up the fanny pack, it's really heavy, I then
22 proceeded to frisk the bag where I felt the barrel
23 of what I considered to be a firearm.

24 Q. Okay. And what happened after you felt
25 what you thought was a firearm in the bag?

CML19

1 A. Yes; I opened the bag, and that's when I
2 observed a black firearm.

3 Q. Okay.

4

5 MR. SINGH: I'm going to have what is in my
6 hand marked for identification purposes as Grand
7 Jury 2. I'm handing it to the witness.

8

9 Q. Officer, do you recognize that which has
10 been marked for identification purposes as Grand
11 Jury 2?

12 A. I do.

13 Q. What do you recognize it to be?

14 A. It's the firearm inside the fanny pack
15 that I recovered.

16 Q. And where was this firearm inside the
17 fanny pack recovered from?

18 A. From the floor mat on the front
19 passenger's side.

20 Q. And how was it that you recognize this
21 image to be that?

22 A. I took the image.

23 Q. And is that a fair and accurate depiction
24 of the firearm that you found inside of that fanny
25 pack that was found on the front floorboard of the

CML20

1 vehicle the defendant was driving?

2 A. Yes.

3

4 MR. SINGH: I'm now going to have that which
5 has been marked for identification purposes as
6 Grand Jury Number 2 into evidence as Grand Jury 2.
7 And I am displaying it on the Elmo device.

8

9 (So publishing on the Elmo)

10

11 Q. Officer, what kind of firearm is this?

12 A. It's a semiautomatic firearm.

13 Q. It's a pistol, or revolver?

14 A. It's a pistol.

15 Q. And is this firearm, or was this firearm,
16 loaded, or unloaded?

17 A. It was loaded.

18 Q. Loaded how?

19 A. It had bullets inside the magazine that
20 was inside the firearm.

21 Q. How many bullets?

22 A. Fifteen? Can you refresh my memory?

23 Q. Do you recall the exact number?

24 A. I don't recall the exact number, no.

25 Q. Would the Property Voucher itself refresh

CML21

1 your recollection?

2 A. Yes.

3 Q. Okay.

4

5 MR. SINGH: I'm handing the witness a one-page
6 document.

7

8 A. Thank you.

9 Q. Has your recollection been refreshed?

10 A. Yes.

11 Q. How many bullets were inside the firearm?

12 A. Thirteen.

13 Q. And where were they located?

14 A. Inside the magazine.

15 Q. Now, what, if anything else, was found
16 during the course of this inventory search?

17 A. A box of ammunition.

18 Q. Where was this box of ammunition found?

19 A. In the trunk of the vehicle.

20 Q. And what kind of -- or, how many rounds
21 of ammunition?

22 A. Fifty.

23

24 MR. SINGH: I'm now going to have what is in
25 my hand marked for identification purposes as Grand

CML22

1 Jury 3.

2 I'm handing that which has been marked as
3 Grand Jury 3 for identification purposes to the
4 witness.

5

6 Q. Officer, do you recognize that which has
7 been marked for identification purposes as Grand
8 Jury 3?

9 A. Yes.

10 Q. What do you recognize it to be?

11 A. The box that was recovered from the --
12 the box of ammunition that was recovered from the
13 vehicle.

14 Q. Did you personally observe that box of
15 ammunition inside the trunk of the vehicle the
16 defendant was driving?

17 A. My partner recovered that box of
18 ammunition.

19 Q. But did you personally see that box of
20 ammunition?

21 A. Yes, I did; yes, I did.

22 Q. And is this a fair and accurate depiction
23 of the box of ammunition and the rounds recovered
24 from the trunk of the vehicle that the defendant
25 was driving?

CML23

1 A. Yes.

2

3 MR. SINGH: I'm now going to have that which
4 has been marked for identification purposes as
5 Grand Jury 3 into evidence as Grand Jury 3.

I'm displaying it on the Elmo device.

7

8 (So publishing on the Elmo)

9

10 Q. How many rounds of ammunition were
11 recovered?

12 A. Fifty.

13 Q. And what type of rounds of ammunition are
14 these?

15 A. .380's.

16 Q. Following the recovery of the firearm and
17 this box of ammunition, what happened next?

18 A. I notified ECT.

Q. And what is ECT?

20 A. Evidence Collection Team.

Q. What happened after you made the notification to the Evidence Collection Team?

23 A. ECT came to the precinct, processed the
24 firearm and made it safe for us.

Q. And what happened after they processed

CML24

1 the firearm and made it safe?

2 A. They returned it to me.

3 Q. And very quickly, what does it mean to
4 make a firearm safe?

5 A. It's to unload the firearm making sure
6 that there is no bullets or anything inside the
7 firearm.

8 Q. Okay.

9

10 MR. SINGH: I'm going to have what is in my
11 hand marked for identification purposes as Grand
12 Jury Number 4. I'm handing it to the witness.

13

14 Q. Officer, do you recognize that which has
15 been marked for identification purposes as Grand
16 Jury 4?

17 A. Yes.

18 Q. What do you recognize it to be?

19 A. This is the firearm that I vouchered and
20 recovered.

21 Q. Is this a fair and accurate depiction of
22 the firearm after it was made safe by the Evidence
23 Collection Team?

24 A. Yes.

25

CML25

1 MR. SINGH: So at this time I'm going to have
2 that which has been previously marked for
3 identification purposes as Grand Jury 4 into
4 evidence as Grand Jury 4. And I'm displaying Grand
5 Jury 4 on the Elmo device.

6

7 (So publishing on the Elmo)

8

9 Q. Officer, can you just describe what's
10 being shown here in Grand Jury 4?

11 A. Sure. On your left is the firearm, on
12 the right top is the magazine, and under the
13 magazine is the bullets recovered from inside the
14 magazine.

15 Q. And why are the bullets laid out in that
16 way?

17 A. To take the picture.

18 Q. Those 13 bullets, where were they
19 recovered from?

20 A. They were inside the magazine.

21 Q. Following the arrest of the defendant,
22 and the recovery of this firearm and the box of
23 ammunition, what happened next?

24 A. The firearm was returned to me, and I
25 vouchered it.

CML26

1 Q. Now, can you explain what vouchering is?

2 A. It's categorizing each item, and for us
3 to keep track of chain of custody of the items.

4 Q. Now, did you specifically have to
5 complete any paperwork when vouchering the firearm
6 and the ammunition?

7 A. Yes.

8 Q. With respect to the firearm, did you put
9 your name and a description of the items recovered
10 onto the same voucher?

11 A. Yes.

12 Q. And the description -- did you put the
13 firearm, the magazine, and the bullets, all on that
14 same voucher?

15 A. Yes.

16 Q. And did there come a time you were
17 assigned a unique invoice number or voucher number
18 for the firearm, the magazine and the ammunition?

19 A. Yes.

20 Q. What was that voucher number?

21 A. I can't remember the voucher number.

22 Q. Is there anything that -- would the
23 voucher refresh your recollection?

24 A. It will.

25

CML27

1 MR. SINGH: Let the record reflect I'm handing
2 the witness a one-page document.
3

4 Q. Officer, has your recollection been
5 refreshed?

6 A. Yes.

7 Q. What was the voucher number for the
8 firearm, the magazine and ammunition recovered?

9 A. 2001154244.

10 Q. And what happened with the box of
11 ammunition, was that also vouchered?

12 A. It was also vouchered.

13 Q. And did you complete paperwork with
14 respect to vouchering that item?

15 A. Yes, I did.

16 Q. And did there come a time when you were
17 assigned a unique invoice number or voucher number
18 for those 50 rounds of ammunition that you
19 recovered?

20 A. Yes.

21 Q. And what was that unique invoice number
22 or voucher number?

23 A. The voucher would refresh my memory.

24 Q. Okay.

25

CML28

1 MR. SINGH: So, let the record reflect I'm
2 handing the witness a one-page document to refresh
3 his recollection.

4

5 Q. Officer, has your recollection been
6 refreshed?

7 A. Yes.

8 Q. What is the voucher number for the 50
9 rounds of ammunition that was recovered?

10 A. 2001154293.

11 Q. Following the arrest of the defendant and
12 the vouchering of all of this property, did you
13 take from the defendant that which is commonly
14 referred to as pedigree information?

15 A. Yes.

16 Q. And what is pedigree information?

17 A. Name -- first name, last name, date of
18 birth.

19 Q. And did you ascertain -- and did you, in
20 fact, find out what the defendant's date of birth
21 is?

22 A. Yes.

23 Q. What is his date of birth?

24 A. The Arrest Report will refresh my memory.

25 Q. Okay.

CML29

1

2 MR. SINGH: Let the record reflect I'm handing
3 the witness a one-page document to refresh his
4 recollection.

5

6 Q. Has your recollection been refreshed?

7 A. Yes.

8 Q. What is the defendant's date of birth?

9 A. 10/14/1980.

10 Q. Now, did you also determine whether this
11 defendant has an active New York State
12 Identification number?

13 A. Yes.

14 Q. Now, very quickly, what is a New York
15 State Identification number?

16 A. It's a NYSID number, it's a unique number
17 that somebody gets assigned.

18 Q. And now, in your training and experience,
19 are NYSID numbers unique to the individual to whom
20 they are assigned?

21 A. Yes.

22 Q. Can two people have the same active New
23 York State Identification number?

24 A. No.

25 Q. And are all persons who are fingerprinted

CML30

1 in New York issued a NYSID number?

2 A. Yes.

3 Q. And that includes persons who are
4 fingerprinted for reasons other than that of an
5 arrest, such as for a certain job, or license
6 applications?

7 A. Yes.

8 Q. Do you recall what the defendant's NYSID
9 number is?

10 A. Yes.

11 Q. What is his NYSID number?

12 A. 01704398 Robert.

13 Q. Now, did you conduct an investigation as
14 to whether or not the defendant had a license or
15 permit to possess a firearm in New York State or
16 any other state?

17 A. I did.

18 Q. And does the defendant have a license or
19 permit to possess a firearm in New York State or in
20 any other state?

21 A. He does not.

22 Q. And was this firearm recovered from the
23 defendant's home or place of business?

24 A. No.

25 Q. Following the arrest of the defendant,

CML31

1 did there ever come a point in time where the
2 defendant specifically told you something?

3 A. Yes.

4 Q. What did he tell you?

5 A. He said, I beat the last one, I'll beat
6 this one.

7 Q. Can you just repeat what he said? In sum
8 and substance, what did he say?

9 A. I beat the last one, I'll beat this one.

10 Q. Did you ask him any questions before he
11 made that statement to you?

12 A. I did not.

13 Q. Did you threaten him or force him to make
14 that statement to you in any way?

15 A. I did not.

16

17 MR. SINGH: And at this time I have no further
18 questions.

19 By a show of hands does any member of the
20 grand jury have any questions for this witness?

21 Let the record reflect that there has been no
22 show of hands, and as such this witness is now
23 excused.

24

25 Q. Thank you.

CML32

1 A. Thank you. Have a good day everyone.

2

(Witness excused)

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Complaint# 2022-047-009160



New York City Police Department OmniForm System - Complaints

Report Cmd: 047	Jurisdiction: N.Y. POLICE DEPT	ICAD#:	Record Status: Final, Initial Arrests made	Public Omni NO	Complaint #: 2022-047-009160	No Other Legacy Blue Versions	Complaint Revisions: View All Versions 0 1			
Occurrence NORTH EAST CORNER Location: BRONX BOULEVARD & EAST 216 STREET Name Of Premise: Premises Type: STREET Location Within Premise: Visible By Patrol?: YES			NYC Parks Dept. Property <small>Did this offense occur on NO NYC Parks Dept. Property?</small> Command: NYC Parks Dept. Property Name:		Precinct: 047 Sector: A Beat: Post:					
Occurrence From: 2022-08-14 Occurrence thru: Reported: 2022-08-14 Complaint Received: PICK-UP			18:40 SUNDAY 18:40		Aided # Accident # O.C.C.B. #					
Classification: CRIM POSS WEAPON Attempted/Completed: COMPLETED Most Serious Offense Is: FELONY PD Code: 793 WEAPON POSSESSION 3 PL Section: 26502 Keycode: 118 DANGEROUS WEAPONS				Case Status: CLOSED Unit Referred To: Clearance Code: UNIFORM ARREST Log/Case #: 0 Clearance Arrest Id: Clearance AO Cmd: File #: Prints Requested? NO						
OFFENSES:										
Order	Offense Desc	Att/Cmplt	PDC Code	PDC Code Desc	PL Section	PL Description	IBR#Class	Alleged Crime	Justified Crime	Criminal Activity
1	PL 265 CRIMINAL POSSESSION OF WEAPON	COMPLETED	792	CRIMINAL POSSESSION WEAPON	PL 265.03 CPW-2ND: 01B	520 Felony LOADED FIREARM				NONE / UNKNOWN
2	PL 265 CRIMINAL POSSESSION OF WEAPON	COMPLETED	792	CRIMINAL POSSESSION WEAPON	PL 265.03 CPW-2ND: 03	520 Felony LOADED FIREARM				NONE / UNKNOWN
3	PL 265 CRIMINAL POSSESSION OF WEAPON	COMPLETED	793	WEAPON POSSESSION 3	PL 265.02 CRIM POSS 01	520 Felony WEAP-3RD:PREV CONV				NONE / UNKNOWN
4	PL 265 CRIMINAL POSSESSION OF WEAPON	COMPLETED	793	WEAPON POSSESSION 3	PL 265.02 CRIM POSS WEAP 08	520 Felony 3RD-AMMO CLIP				NONE / UNKNOWN
5	PL 265 CRIMINAL POSSESSION OF WEAPON	COMPLETED	792	CRIMINAL POSSESSION WEAPON	PL 265.01-B 01B	90Z Felony CRIMINAL POSSESSION FIREARM				
6	VTL 1212	COMPLETED	918	RECKLESS DRIVING	VTL1212	999 Misdemeanor RECKLESS DRIVING				
7	VTL 0375	COMPLETED	939	LIGHTS,IMPROPER	VTL0375 13	999 Investigation EQUIP VIO:NON-SAFETY GLASS				
8	VTL 0402	COMPLETED	0		VTL0402 01A	999 Investigation NO LIC PLATE:SINGLE LIC PLATE				
Confirmed Shots Fired? NO										
Possible Hate Crime ? NO										
Is This Related To Stop And Frisk Report NO			SQF Number: 0000-000-00000		Was The Victim's Personal Information Taken Or Possessed? NO		Was The Victim's Personal Information Used To Commit A Crime? NO			
Gang Related? NO	Detective Borough Wheel Log #:	Name Of Gang:				Child Abuse Suspected? NO				
DIR Required? NO		Child In Common? NO		Intimate Relationship? NO		Officer Body Worn Camera: YES				
If Burglary: Forced Entry? Structure: Entry Method: Entry Location: --			Alarm: Bypassed? Comp Responded?: Company Name/Phone:		If Arson: Structure: Occupied?: Damage by:		Taxi Robbery: Partition Present: Amber Stress Light Activated: Method of Conveyance: Location of Pickup:			

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Complaint# 2022-047-009160

Crime Prevention Survey Requested?: Complaint/Reporter Present?:

Supervisor On Scene - Rank / Name / Command :	Canvas Conducted: NO	Translator(if used):
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NARRATIVE:

AT TPO AO OBSERVED ABOVE DEFENDANT OPERATING A GRAY BMW 5 SERIES NYS LICENSE PLATE KKP8448 DRIVING NORTH BOUND ON WHITE PLAINS ROAD AND GUN HILL ROAD WITH A DEFECTIVE HEADLIGHT NO FRONT PLATES AND EXCESSIVE TINTED WINDOWS. OFFICER OBSERVED DEFENDANT DRIVING AT A HIGH RATED SPEED FAILING TO SIGNAL, UPON LAWFUL CAR STOP DEF WAS PLACED UNDER ARREST FOR RECKLESS DRIVING. SILA RECOVER LOADED FIREARM AND AMMUNITION.

Version 1. SYSTEM GENERATED

No NYC TRANSIT Data for Complaint # 2022-047-009160

Total Victims: 1	Total Witnesses: 0	Total Reporters: 0	Total Wanted: 1
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VICTIM: # 1 of 1	Name: ,	Complaint#: 2022-047-009160
Nick/AKA/Maiden: UMOS: Sex/Type:/ SOCIETY/PUBLIC Race:UNKNOWN Age:0 Date Of Birth:UNKNOWN Disabled?NO Is this person not Proficient in English?: If Yes, Indicate Language: N.Y.C.H.A Resident?NO Is Victim fearful for their safety / life?NO Escalating violence / abuse by suspect?NO Were prior DIR's prepared for C/V?NO	Suspected Gang Member: Name: Reason for Suspected Gang Member Designation:	
	Will View Photo: Will Prosecute: Notified Of Crime?NO Victim Comp. Law:	

LOCATION	ADDRESS	CITY	STATE/COUNTRY	ZIP	APT/ROOM
HOME-PERMANENT			NEW YORK		

Phone #: HOME: Not Provided/Unavailable CELL: Not Provided/Unavailable BUSINESS: Not Provided/Unavailable BEEPER: Not Provided/Unavailable E-MAIL: Not Provided/Unavailable

Victim was:	Shot NO	Stabbed NO	Slashed NO
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Actions Of Victim Prior To Incident:
PSNY

Victim Of Similar Incident:	If Yes, When And Where
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WANTED: # 1 of 1	Name: FAYTON, OCTAVOUS	Complaint#: 2022-047-009160	Arrested: YES
Nick/AKA/Maiden: Sex:MALE Race:BLACK Age:41 Date Of Birth:10/14/1980 U.S. Citizen:YES Place Of Birth: Is this person not Proficient in?NO English?: If Yes, Indicate Language: Accent:NO	Height:6FT0IN Weight:180 Eye Color:BROWN Hair Color:UNKNWN Hair Length:BALD Hair Style:BALD Skin Tone:MEDIUM Complexion:CLEAR OffenderAPPARENTLY Condition:NORMAL S.S. #:0	Order Of Protection:NO Issuing Court: Docket #: Expiration Date: Order of Protection Violated?NO Does Suspect abuse Drugs /NO Alcohol? Suspect threatened /attempted?NO suicide? Is the suspect Parole / Probation?NO Relation to Victim:NO RELATIONSHIP Living together:NO Can be Identified:NO	
		Suspected Gang Member:NO Name: Reason for Suspected Gang Member Designation:	

LOCATION	ADDRESS	CITY	STATE/COUNTRY	ZIP	APT/ROOM	HOW LONG?	RES. PCT
HOME-PERMANENT	20 RICHMAN PLAZA	BRONX	NEW YORK	10453			046

Phone #: HOME: -- CELL: 929-241-5402 BUSINESS: -- BEEPER: -- E-MAIL:

N.Y.C.H.A. Resident:NO Development:	N.Y.C. Housing Employee:NO N.Y.C. Transit Employee:NO	On Duty:YES
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Weapons:

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Complaint# 2022-047-009160

# 1	Physical Force/Weapon: POSSESSED Physical Force/Weapon Type: GUN / FIREARM Physical Force/Weapon Sub Type: HANDGUN Specific Physical Force/Weapon Type: PISTOL , SEMI-AUTOMATIC Other Weapon Description:	Firearm Recovered: YES Discharged: NO Make: GLOCK Color: BLACK Caliber: .45 CAL	Serial Number Defaced: NO Serial Number: BCUR593						
Used Transit System: Station Entered: Time Entered: Metro Card Type: Metro Card Used/Poses: Card #:									
CRIME DATA MODUS OPERANDI ACTIONS TOWARD VICTIM CLOTHING CLOTHING CLOTHING CLOTHING CHARACTERISTICS BODY MARKS IMPERSONATION		DETAILS CPW UNK HEADGEAR -BASEBALL HAT -BLACK ACCESSORIES -JEANS -BLUE OUTERWEAR -T-SHIRT OR TANK TOP -BLACK FOOTWEAR -OTHER -MULTI COLORED OR STR UNKNOWN ARM -TATTOO(CAN NOT DESCRIBE) UNKNOWN							
ARRESTS:		Complaint # 2022-047-009160							
Arrest ID B22628047	Status ACTIVE	Defendant Name FAYTON, OCTAVOUS	Sex MALE						
Race BLACK	Age 4108/14/2022								
No IMEI Data for Complaint # 2022-047-009160									
VEHICLE: # 1 of 1		VIN: WBAJE7C31HG890464	Complaint #: 2022-047-009160						
Vehicle Was: USED IN A CRIME		Vehicle Stolen/Attempted Stolen From:	Invoice #:						
Plate(s): Number of Plates: 1 License Plate #: KKP8448 State: NY Expires: 0423 Type: MOTOR VEHICLE Ins. Code: Policy #:		Vehicle Year: 2017 Make: BMW Model: Style: SEDAN-4DR Color: GRAY Value(\$): 0.	Recovered Prior To Alarm: Alarm #: Precinct: 000 Date: Time: Transmitted By:						
Vehicle Condition:		Held For Forfeiture:							
SCRATCH COPY:		Complaint # 2022-047-009160							
1	 1660541293447_220815012726-4601648.pdf	Description 1660541293447_220815012726-4601648.pdf							
COMPLAINT ASSOCIATIONS:		Complaint # 2022-047-009160							
Victim	Perpetrator/Wanted	Relationship	Interaction	Offense	Weapon/Force	Weapon/Force Type	Weapon/Force Sub Type	Specific Weapon/Force Type	Description
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	PL 265 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	1212 POSSESSED	GUN / FIREARM	HANDGUN		PISTOL , SEMI-AUTOMATIC	
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	0375					
FAYTON, OCTAVOUS	NO RELATIONSHIP		Yes	0402					
Reporting/Investigating M.O.S. Name: POM LLUBERES JONATHAN				Tax #: 967964	Command: 047 PCT	Rep.Agency: NYPD			
Supervisor Approving Name: SGT BUTT OMAIR				Tax #: 952517	Command: 047 PCT	Rep.Agency: NYPD			

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Complaint# 2022-047-009160

Complaint Report Entered By: POM LLUBERES	Tax #: 967964	Command: 047 PCT	Rep.Agency: NYPD
Signoff Supervisor Name: SGT REYES	Tax #: 947510	Command: 047 PCT	Rep.Agency: NYPD
END OF COMPLAINT REPORT # 2022-047-009160			

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Complaint# 2022-047-009160

NYPD Enterprise Case Management System**INDEX SHEET****PD-113-140(190-95)-h2****COMPLAINT # 2022-047-009160****CASE # 2022-4195 CASE COMMAND: 183-PBBX SPECIALIZED UNITS UNIT: ECT CASE OWNER: POM JERRY KLEPADLO CASE TITLE: ECT #22-4890/CPW**

ITEM NO.	DATE	ITEM (Include brief description of item/subject matter)	New DD5 Approved since last DA Download	Sensitive Info	Tracking #
<u>1</u>	08/14/2022	(ECT REPORT) ECT #22-4890/CPW	08/15/2022 19:39:36		76483871
A	08/14/2022	(ECT REPORT) ECT #22-4890/CPW	08/15/2022 19:39:36		76483871
<u>2</u>	08/15/2022	(DA NOTIFICATION) DA NOTIFICATION	.		76483874
B	08/15/2022	(DA NOTIFICATION) DA NOTIFICATION	.		76483874
<u>3</u>	08/16/2022	(DA NOTIFICATION) AUTO GENERATED DA NOTIFICATION	.		76505932
C	08/16/2022	(DA NOTIFICATION) AUTO GENERATED DA NOTIFICATION	.		76505932

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Complaint# 2022-047-009160

Companion Case(s)

Case Num	Command	Date Opened	Opened By	Case Title	UF61 Num	Kite Num	Case Type	Pattern
2022-4073	270-DET SQD. BX-047	08/14/2022	DT3 EDWIN VEGA	CPW-BRONX BOULEVARD & EAST 216 STREET	2022-047-009160		GENERAL INVESTIGATION	
2022-3479	642-GUN VIOL SUPP DIV Z2	08/16/2022	DT3 JOSEPH PALLADINO	OCTAVIOUS FAYTON	2022-047-009160		GATS PROSECUTION	
2022-170	536-FIREARMS SUPPRESSION DIVISION	08/17/2022	DT3 BRIAN SHEA	OCTAVIOUS FAYTON	2022-047-009160		COMPANION	
2022-2019	207-LATENT PRINT UNIT	09/07/2022	POF CHRISTINA DAGOSTINO	1905B-2022 CPW	2022-047-009160		LATENT PRINT REPORT	

UF61 Audit

Audit Timestamp	UF61 Number	
08/15/2022 02:58:51	2022-047-009160	Current

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Complaint# 2022-047-009160



INVESTIGATION REVIEW WORKSHEET

DATE	FROM	COMMENTS
08/15/2022 0258	DD5PINK SYSTEM	<p>THE BASIC DOZEN</p> <ul style="list-style-type: none"> * NOTIFICATION & RESPONSE TO THE SCENE + INCLUDE OBSERVATIONS * INTERVIEW OF THE 1ST OFFICERS(S) ON THE SCENE * INTERVIEW OF THE COMPLAINT/VICTIM * INTERVIEW OF THE WITNESS * REVIEW OF THE SPRINT PRINTOUT + INTERVIEW OF THE 911 CALLER(S) * INTERVIEW OF EMS/FD PERSONNEL * CANVASSES* (SEE BELOW) + CANVASS FOR ADDITIONAL WITNESS + CANVASS FOR THE VIDEO EQUIPMENT / CAMERAS + CANVASS FOR SOURCES OF ELECTRONIC INFORMATION(ATM, EZ PASSES, ETC) + VEHICLE CANVASS: RECORD PLATE NUMBERS OF PARKED VEHICLES * WHAT IS KNOWN ABOUT THE LOCATION OF OCCURENCE (OLCS, DIR'S, WARRANTS, PAROI * EVIDENCE / SEARCHES: + WHAT WAS RECOVERED? + WHO RECOVERED IT? + WHERE WAS IT RECOVERED? + WHERE IS THE EVIDENCE(POLICE LAB, ME, ETC.)? <ul style="list-style-type: none"> - WHAT IS THE STATUS[TESTING / ANALYSIS]? + IS A DAYLIGHT SEARCH NEEDED? + ARE ADDITIONAL SEARCHES NEEDED ? (SEWERS, DIRECTION OF FLIGHT, ETC) * VICTIMOLOGY (PAST ARRESTS, DIR'S, DMV, OLCS, ETC - RTCC PEOPLE FINDER) * VIEWING OF PHOTOS + APPOINTMENT WITH THE DEPARTMENT SKETCH ARTIST * I-CARD SUBMITTED FOR KNOWN PERPETRATOR(S) * REGARDING CANVASSES: AVOID USING TERMS LIKE NEGATIVE RESULTS, N/A & N/R. DOCUMENT WHO YOU SPOKE TO AND THE SPECIFIC LOCATIONS THAT WERE CHECKED. ALSO CONSIDER 24 HOUR AND 7 DAY CANVASSES.

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Complaint# 2022-047-009160

Tracking# 76483871

 ECT REPORT				Crime/Condition DANGEROUS WEAPONS	Command 047-47TH PRECINCT Date of This Report 08/15/2022
---	--	--	--	--	---

Date of UF61 08/14/2022	Complaint No. 2022-047-09160	Date Case Assigned 08/15/2022	Case No. 2022 - 4195	Unit Reporting ECT	Follow-Up No. 1
----------------------------	---------------------------------	----------------------------------	-------------------------	-----------------------	--------------------

Topic/Subject (ECT REPORT) ECT #22-4890/CPW	Activity Date 08/14/2022	Activity Time 20:22
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Premise Type STREET

Arrival at the Crime Scene 08/14/2022 21:15	Weather CLEAR	Location VEHICLE	Location Name	Lighting UNKNOWN
Evidence Collected YES	Prints Lifted YES	Evidence Result Warrant NO		Evidence Vouchered YES

Property					
Voucher No. 2001154315	Line No. 1		Quantity 1	Property Type ALL OTHER	Serial No. 1500405864
Description SWAB FROM TRIGGER/TRIGGER GUARD		Location Recovered GLOCK 30 GEN 4 .45 AUTO SERIAL # BCUR593. PROCESSED AT 47PCT.			
Voucher No. 2001154315	Line No. 2		Quantity 1	Property Type ALL OTHER	Serial No. 1500405865
Description SWAB FROM FRONT STRAP/BACK STRAP/SIDE GRIPS		Location Recovered GLOCK 30 GEN 4 .45 AUTO SERIAL # BCUR593. PROCESSED AT 47PCT.			
Voucher No. 2001154315	Line No. 3		Quantity 1	Property Type ALL OTHER	Serial No. 1500405866
Description SWAB FROM MAGAZINE RELEASE/SLIDE RELEASE/SLIDE GRIP GROOVES		Location Recovered GLOCK 30 GEN 4 .45 AUTO SERIAL # BCUR593. PROCESSED AT 47PCT.			
Voucher No. 2001154315	Line No. 4		Quantity 3	Property Type ALL OTHER	Serial No. 1600381852
Description BAG CONTAINING 3 SWABS FROM FIREARM		Location Recovered GLOCK 30 GEN 4 .45 AUTO SERIAL # BCUR593. PROCESSED AT 47PCT.			

Person(s)						
1	Role COMPLAINANT/VICTIM	NYSID	Arrest ID	Arrest PCT	Last Name PSNY	First Name
	Race	Sex	DOB	Age 0	Injured/Deceased	Removed to Hospital

Vehicle							
Year 2017	Make BMW	Model OTHERS	Style SEDAN-4DR	Color GRAY	License Plate# KKP8448	State NEW YORK	VIN# WBAJE7C31HG890464

Details							
Summary of Investigation: 1. On August 14, 2022, at approximately 2115HRS. PBBX/ECT PO KLEPADLO TAX# 936875 & PO REYES TAX# 959926 RESPONDED TO THE 47 PCT STATION HOUSE IN REGARDS TO A RECOVERED FIREARM. FIREARM IS A BLACK GLOCK 30 GEN 4 .45 AUTO SERIAL NUMBER BCUR593. THREE (3) SWABS WERE COLLECTED FROM FIREARM. SWABS ARE SENT TO LAB FOR FORENSIC AND BIOLOGICAL TESTING. SWABS ARE SENT TO LAB ROUTINELY DUE TO NO EXIGENT							

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CIRCUMSTANCES. SWABS ARE PROBATIVE BECAUSE FIREARM MAY HAVE BEEN HANDLED AND SWABS MAY CONTAIN INDIVIDUAL(S) DNA. FIREARM WAS MADE SAFE BY PO KLEPADLO TAX# 936875. FIREARM WAS FUMED AND DUSTED FOR POSSIBLE LATENT PRINTS WITH POSITIVE RESULTS. TWO (2) LATENT PRINTS WERE RECOVERED AND COLLECTED FROM THE SLIDE OF THE FIREARM. PHOTOS TAKEN. CASE INVESTIGATED BY DET BARBETTO TAX# 954519 ASSIGNED TO 47 DET SQUAD.

FIREARM WAS RECOVERED FROM A VEHICLE IN REGARDS TO AN ARREST AT THE NORTHEAST CORNER OF BRONX BOULEVARD AND EAST 216 STREET. FIREARM WAS IN A BLACK SUPREME FANNY PACK. FANNY PACK WAS HANDLED BY UMOS. VEHICLE AND FIREARM WERE SAFEGUARDED BY PO LLUBERES TAX# 967964. ECT REMOVED FANNY PACK WITH FIREARM INSIDE FROM THE FRONT PASSENGER SIDE FLOOR OF THE VEHICLE BEFORE PROCESSING.

NO CARTRIDGE INSIDE CHAMBER

THIRTEEN (13) LIVE .45 AUTO CALIBER CARTRIDGES INSIDE MAGAZINE.

MAGAZINE WAS INSERTED IN FIREARM

A BOX OF FIFTY (50) 380 AUTO CARTRIDGES WAS RECOVERED IN THE VEHICLE PRIOR TO ECT ARRIVAL AND PHOTOGRAPHED BY ECT.

FIREARM, MAGAZINE, BALLISTICS AND FANNY PACK WERE RELEASED TO PO LLUBERES TAX# 967964 AFTER PROCESSING.

VEHICLE IS A 2017 GRAY BMW WITH NY PLATE KKP8448 AND VIN # WBAJE7C31HG890464.

PO J. KLEPADLO (ECT)

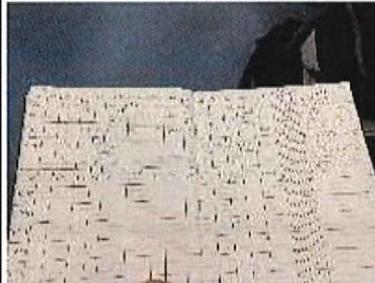
PHOTO BATCH ID: 76483871

CAMERA INFORMATION

Camera Model	Photographer	Number of Photographs Uploaded
NIKON D-750	936875 JERRY KLEPADLO POM 183	0

PHOTOGRAPHS

Photo No: 1
Photo Type: CLOSEUP
Camera Direction: NOT APPLICABLE
Description: ECT LOG BOOK
Examination Quality: Unknown



76483871_1660547756780_ectlogbook.jpg.
This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.

Photo No: 2
Photo Type: CLOSEUP
Camera Direction: NOT APPLICABLE
Description: BOX OF 50 CARTRIDGES 380 AUTO RECOVERED IN VEHICLE PRIOR TO ECT ARRIVAL
Examination Quality: Unknown

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76483871_1660547756780_extraammo.jpg

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Photo No: 3

Photo Type: CLOSEUP

Camera Direction: NOT APPLICABLE

Description: SUPREME FANNY PACK

Examination Quality: Unknown



76483871_1660547757176_fannypack.jpg

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Photo No: 4

Photo Type: CLOSEUP

Camera Direction: NOT APPLICABLE

Description: FIREARM AND EXTRA AMMO

Examination Quality: Unknown



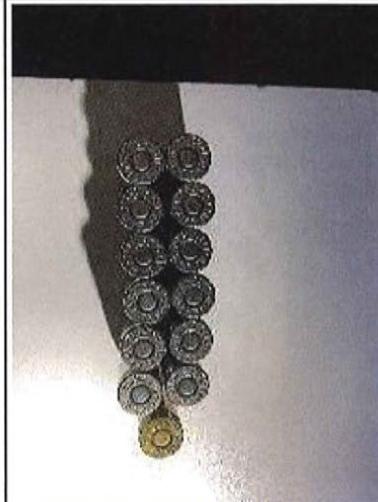
76483871_1660547757180_firearmande.jpg

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image is strictly prohibited.

Photo No: 5**Photo Type: CLOSEUP****Camera Direction: NOT APPLICABLE****Description: HEAD STAMPS OF CARTRIDGES RECOVERED FROM MAGAZINE****Examination Quality: Unknown**76483871_1660547757434_firearmcart.jpg

This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.

Photo No: 6**Photo Type: CLOSEUP****Camera Direction: NOT APPLICABLE****Description: FIREARM INSIDE FANNY PACK****Examination Quality: Unknown**76483871_1660547757468_firearminsij.jpg

This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.

Photo No: 7**Photo Type: CLOSEUP****Camera Direction: NOT APPLICABLE****Description: FIREARM MAKE AND MODEL****Examination Quality: Unknown**

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76483871_1660547757666_firearmmake.jpg

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Photo No: 8

Photo Type: CLOSEUP

Camera Direction: NOT APPLICABLE

Description: FIREARM SERIAL NUMBER ON SLIDE

Examination Quality: Unknown



76483871_1660547757707_firearmseri.jpg

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Photo No: 9

Photo Type: CLOSEUP

Camera Direction: NOT APPLICABLE

Description: FIREARM SERIAL NUMBER UNDER FRAME

Examination Quality: Unknown



76483871_1660547757909_firearmseri.jpg

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Photo No: 10

Photo Type: CLOSEUP

Camera Direction: NOT APPLICABLE

Description: FIREARM WITH MAGAZINE REMOVED AND CARTRIDGES REMOVED FROM MAGAZINE

Examination Quality: Unknown

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Complaint# 2022-047-009160

[76483871_1660547757949_firearmwith.jpg](#)

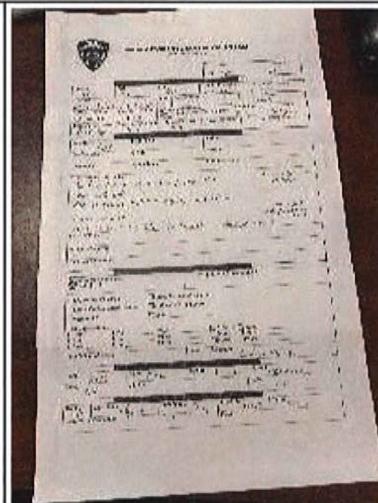
This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.

Photo No: 11
Photo Type: NOT SPECIFIED
Camera Direction: NOT APPLICABLE
Description: INTAKE TYPED
Examination Quality: Unknown

[76483871_1660547758152_intaketyped.pdf](#)

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Photo No: 12
Photo Type: CLOSEUP
Camera Direction: NOT APPLICABLE
Description: INTAKE WRITTEN
Examination Quality: Unknown

[76483871_1660547758223_intakewritt.jpg](#)

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Photo No: 13
Photo Type: NOT SPECIFIED
Camera Direction: NOT APPLICABLE
Description: VOUCHER
Examination Quality: Unknown

[76483871_1660547758270_invoice_200.pdf](#)

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Photo No: 14
Photo Type: NOT SPECIFIED
Camera Direction: NOT APPLICABLE
Description: REQUEST FOR LAB
Examination Quality: Unknown

[76483871_1660547758393_lab_9900050.pdf](#)

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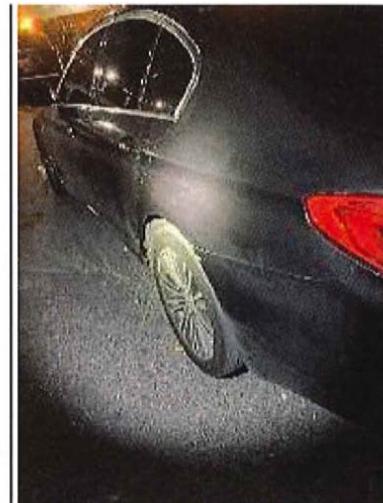
1/24/23, 4:20 PM

Complaint# 2022-047-009160

Photo No: 15 Photo Type: NOT SPECIFIED Camera Direction: NOT APPLICABLE Description: LATENT PRINT SIGNED Examination Quality: Unknown	 76483871_1660547758534_latentprint.pdf This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 16 Photo Type: NOT SPECIFIED Camera Direction: NOT APPLICABLE Description: LATENT PRINT REPORT Examination Quality: Unknown	 76483871_1660548047741_latentprint.pdf This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 17 Photo Type: NOT SPECIFIED Camera Direction: NOT APPLICABLE Description: PO KLEPADLO MEMO BOOK Examination Quality: Unknown	 76483871_1660547758747_poklepadlom.pdf This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 18 Photo Type: NOT SPECIFIED Camera Direction: NOT APPLICABLE Description: PO REYES MEMO BOOK Examination Quality: Unknown	 76483871_1660547758750_poreyesmemo.pdf This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 19 Photo Type: NOT SPECIFIED Camera Direction: NOT APPLICABLE Description: SUMMARY OF INVESTIGATION Examination Quality: Unknown	 76483871_1660547758865_summaryofin.docx This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 20 Photo Type: OVERALL Camera Direction: NOT APPLICABLE Description: VEHICLE DRIVER SIDE FRONT TO REAR Examination Quality: Unknown	 76483871_1660547758937_vehicledriv.jpg This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.
Photo No: 21 Photo Type: OVERALL Camera Direction: NOT APPLICABLE Description: VEHICLE DRIVER SIDE REAR TO FRONT Examination Quality: Unknown	

1/24/23, 4:20 PM

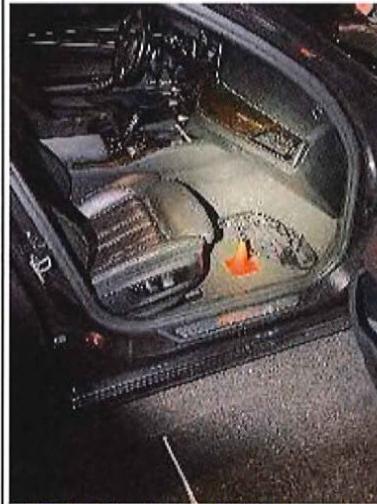
Complaint# 2022-047-009160

[76483871_1660547759029_vehicledriv.jpg](#)

This digital image is a confidential investigative record. Any unauthorized access, viewing, disclosure or dissemination of this image is strictly prohibited.

Photo No: 22**Photo Type:** OVERALL**Camera Direction:** NOT APPLICABLE**Description:** VEHICLE FRONT**Examination Quality:** Unknown[76483871_1660547759191_vehiclefron.jpg](#)

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Photo No: 23**Photo Type:** MIDRANGE**Camera Direction:** NOT APPLICABLE**Description:** VEHICLE INTERIOR FIREARM IN FANNY PACK ON FLOOR**Examination Quality:** Unknown[76483871_1660547759269_vehicleinte.jpg](#)

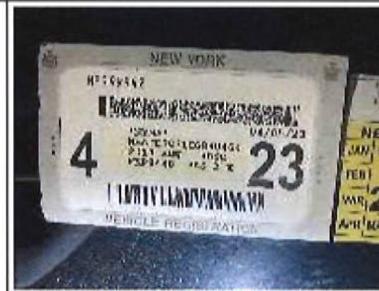
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Complaint# 2022-047-009160

image is strictly prohibited.

Photo No: 24
Photo Type: CLOSEUP
Camera Direction: NOT APPLICABLE
Description: VEHICLE NYS REGISTRATION
Examination Quality: Unknown



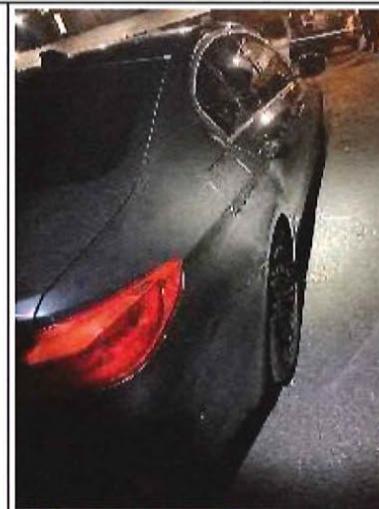
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Photo No: 25
Photo Type: OVERALL
Camera Direction: NOT APPLICABLE
Description: VEHICLE PASSENGER SIDE FRONT TO REAR
Examination Quality: Unknown



[76483871_1660547759544_vehiclepass.jpg](#)
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Photo No: 26
Photo Type: OVERALL
Camera Direction: NOT APPLICABLE
Description: VEHICLE PASSENGER SIDE REAR TO FRONT
Examination Quality: Unknown



[76483871_1660547759685_vehiclepass.jpg](#)
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Photo No: 27
Photo Type: OVERALL
Camera Direction: NOT APPLICABLE

1/24/23, 4:20 PM

Complaint# 2022-047-009160

Description: VEHICLE REAR
Examination Quality: Unknown

[76483871_1660547759763_vhiclerear.jpg](#)

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Photo No: 28
Photo Type: OVERALL
Camera Direction: NOT APPLICABLE
Description: VEHICLE VIN NUMBER
Examination Quality: Unknown

[76483871_1660547759928_vehiclevinn.jpg](#)

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Reporting Officer:	Rank POM	Name JERRY KLEPADLO		Tax Reg. No. 936875	Command 183-PBBX SPECIALIZED UNITS
Reviewing Supervisor:	Manner of Closing -	Date Reviewed: 08/15/2022	Date of Next Review	Name WILLIAM SULLIVAN	Supv. Tax No. 931283

1/24/23, 4:20 PM

Complaint# 2022-047-009160

Tracking# 76483874

	DA NOTIFICATION			Crime/Condition ECT #22-4890/CPW	Command 270-47 DET SQUAD Date of This Report 08/15/2022
Date of UF61	Complaint No. 2022-047-09160	Date Case Assigned 08/14/2022	Case No. 2022 - 4195	Unit Reporting	Follow-Up No. 2

Topic/Subject (DA NOTIFICATION) DA NOTIFICATION	Activity Date 08/15/2022	Activity Time 03:24
---	-----------------------------	------------------------

Details
Summary of Investigation:

DA Notification
1 DA Agency BRONX

Reporting Officer:	Rank POM	Name JERRY KLEPADLO	Tax Reg. No. 936875	Command 183-PBBX SPECIALIZED UNITS
Reviewing Supervisor:	Manner of Closing -	Date Reviewed: 08/15/2022	Date of Next Review	Name JERRY KLEPADLO Supv. Tax No. 936875

Tracking# 76505932					
	DA NOTIFICATION		Crime/Condition ECT #22-4890/CPW	Command 270-47 DET SQUAD Date of This Report 08/16/2022	
Date of UF61	Complaint No. 2022-047-09160	Date Case Assigned 08/14/2022	Case No. 2022 - 4195	Unit Reporting	Follow-Up No. 3

Topic/Subject (DA NOTIFICATION) AUTO GENERATED DA NOTIFICATION	Activity Date 08/16/2022	Activity Time 02:06
--	-----------------------------	------------------------

Details
Summary of Investigation:

DA Notification
1 DA Agency BRONX

Reporting Officer:	Rank 999	Name SYSTEM GENERATED	Tax Reg. No. 999999	Command 999-
Reviewing Supervisor:	Manner of Closing -	Date Reviewed: 08/16/2022	Date of Next Review	Name SYSTEM GENERATED Supv. Tax No. 999999

NEW YORK CITY POLICE DEPARTMENT

Worksheet : Vehicle Report
 Status : Approved
 Report # : VR-2022-047-006176
 Incident Date : 08/14/2022 18:40 Sunday

REPORT NUMBERS			
1	Form Type: Arrest	Report No.: B22628047	
Details: Top Charge - PL 265 03 01B (CPW-2ND: LOADED FIREARM) First Name - OCTAVOUS Last Name - FAYTON Arrest Processing Type - O Arrest Date - Invalid date Arrest Location - BRONX			
2	Form Type: Property Voucher Number	Report No.: 2001154290	
Details: Property Type - VEHICLE/BOAT Category - FORFEITURE Invoicing Command - 047			

STOP INFORMATION			
Occurrence Date/Time: 08/14/2022 18:40 Sunday			

BASIS FOR STOP			
Basis for Stop: VTL Infraction	Is this a Reasonable Suspicion/Terry Stop?: No		
Law Title	Law Code	Description	
VTL - NO LICENSE PLATE OR SINGLE LICENSE PLATE	4021A	NO LICENSE PLATE OR SINGLE LICENSE PLATE	

LOCATION OF OCCURRENCE			
Address Type: Intersection	Street Name: BRONX BOULEVARD		
Directional: N/B			
Borough: Bronx	Location Code: TVB7050-Bronx		
Nearest Intersection			
Intersecting Street: EAST 216 STREET			
Nearest Intersection			
Unit of Length:			
Milepost, Nearest Intersecting Route or Street Name:			
Pct: 047	Sector: A	PSA:	

SUBJECT/MOTORIST INFORMATION			
Last Name: OCTAVOUS	First Name: FAYTON		
Race: Black	Sex: Male	Date of Birth: 10/14/1980	Age: 41

VEHICLE INFORMATION			
Vehicle Plate #: KKP-8448	Vehicle Category: Car/SUV	Vehicle Make: BMW	Vehicle Color: Gray
Vehicle Searched: No	Plate State: New York		

ENFORCEMENT			
Vehicle Seized: Yes	Vehicle Checkpoint: No	Force Used: No	
Arrest Made: Yes	Summons Issued: No		

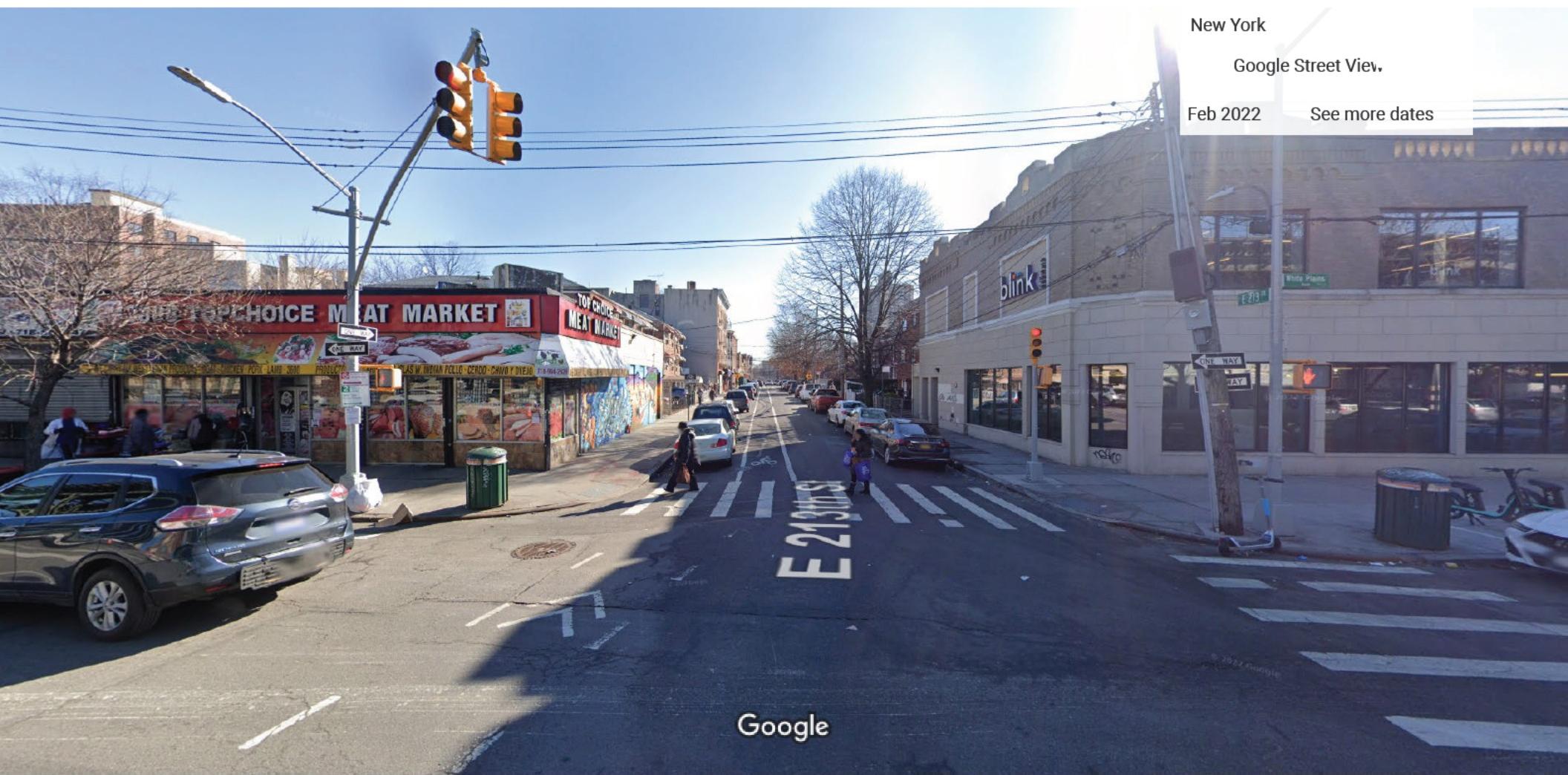
REPORTING OFFICER			
Agency: New York City Police Department	Command: 047	Command Description: 047 PRECINCT	NCIC Number: 03030
Tax Number: 967964	Rank: POL OFF M	Last Name: LLUBERES	First Name: JONATHAN

ENTERED BY

Agency: New York City Police Department	Command: 047	Command Description: 047 PRECINCT	NCIC Number: 03030
Tax Number: 967964	Rank: POLICE OFFICER MALE	Last Name: LLUBERES	First Name: JONATHAN

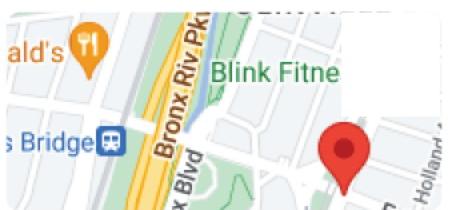
ENDORSEMENT HISTORY

Submitted By:	Approved/Rejected By:	Note:	Status:	Endorsement Date:
JONATHAN J LLUBERES 967964 POM 047 PRECINCT New York City Police Department 03030			Approved	08/15/2022 02:13 Monday



Google

Image capture: Feb 2022 © 2023 Google



DEFENDANT'S
EXHIBIT

B

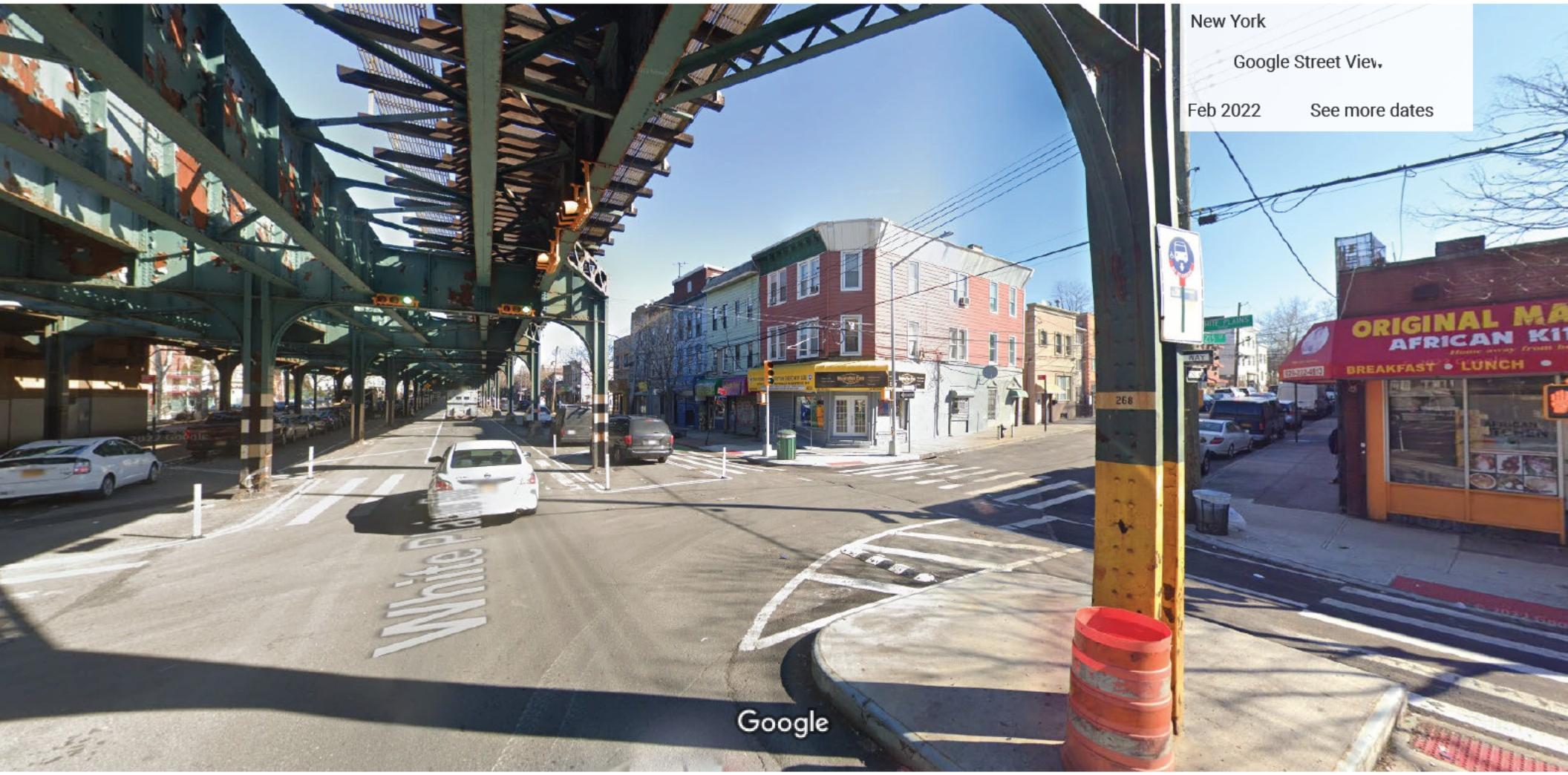
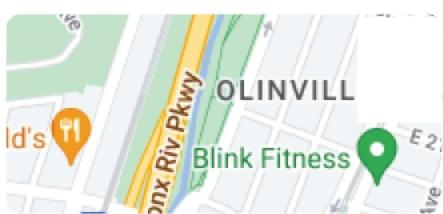


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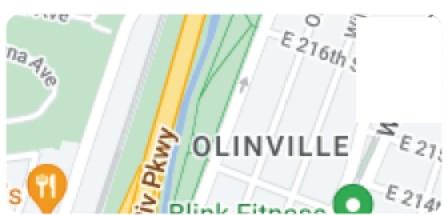


DEFENDANT'S
EXHIBIT

C



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DEFENDANT'S
EXHIBIT

D

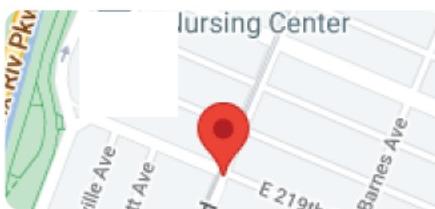


DEFENDANT'S
EXHIBIT
E

Google Maps 630 E 220th St



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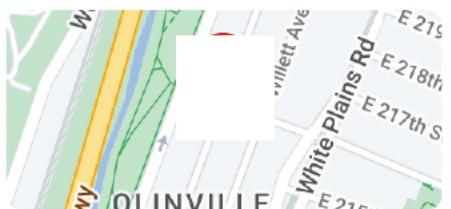


New York

Google Street View

Feb 2022 See more dates

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DEFENDANT'S
EXHIBIT

G

Google Maps 3707 Olinville Ave

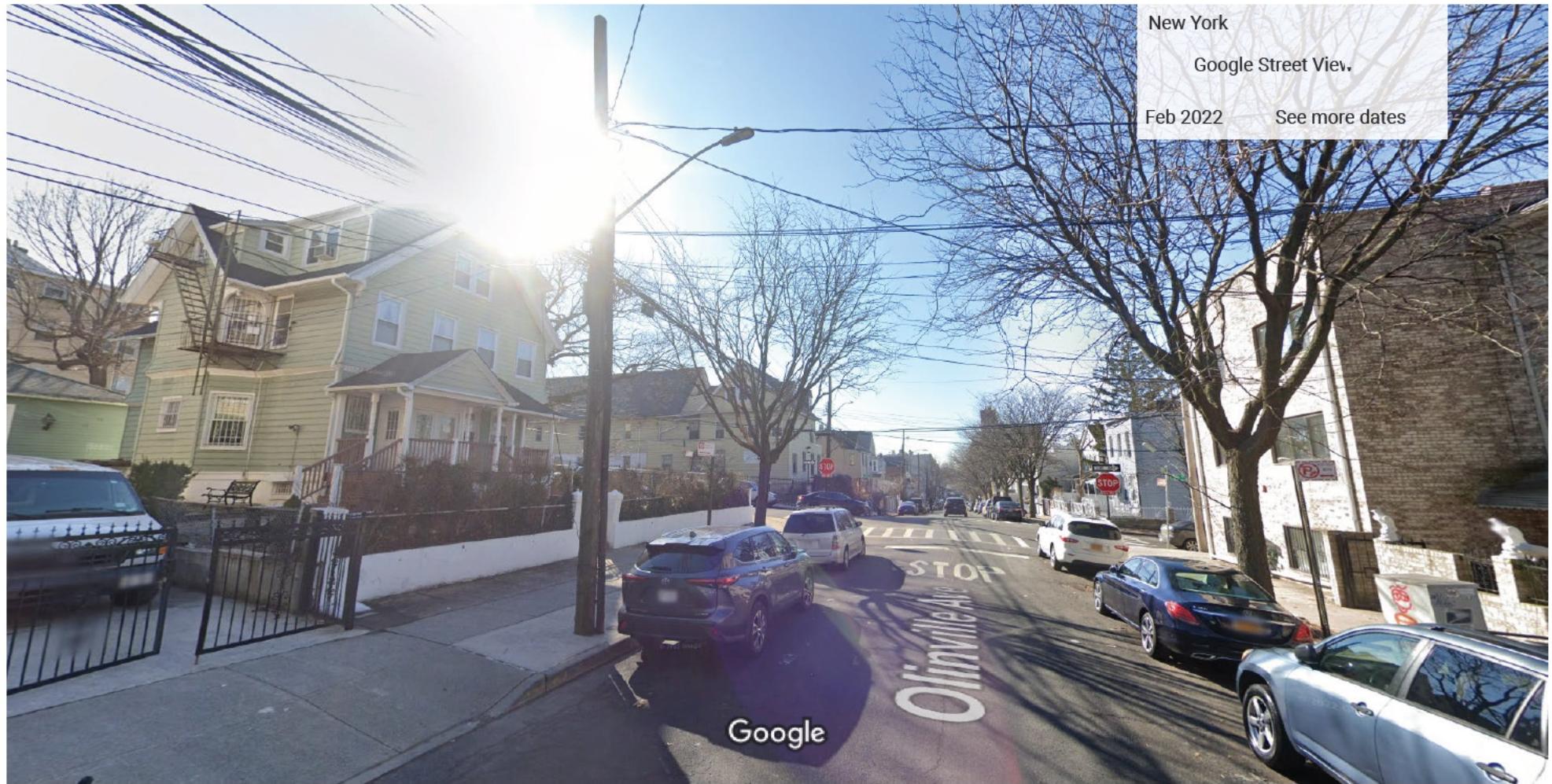
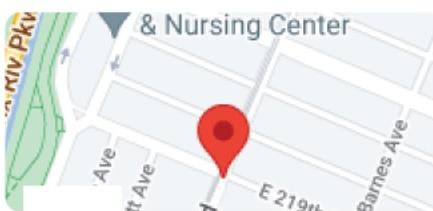
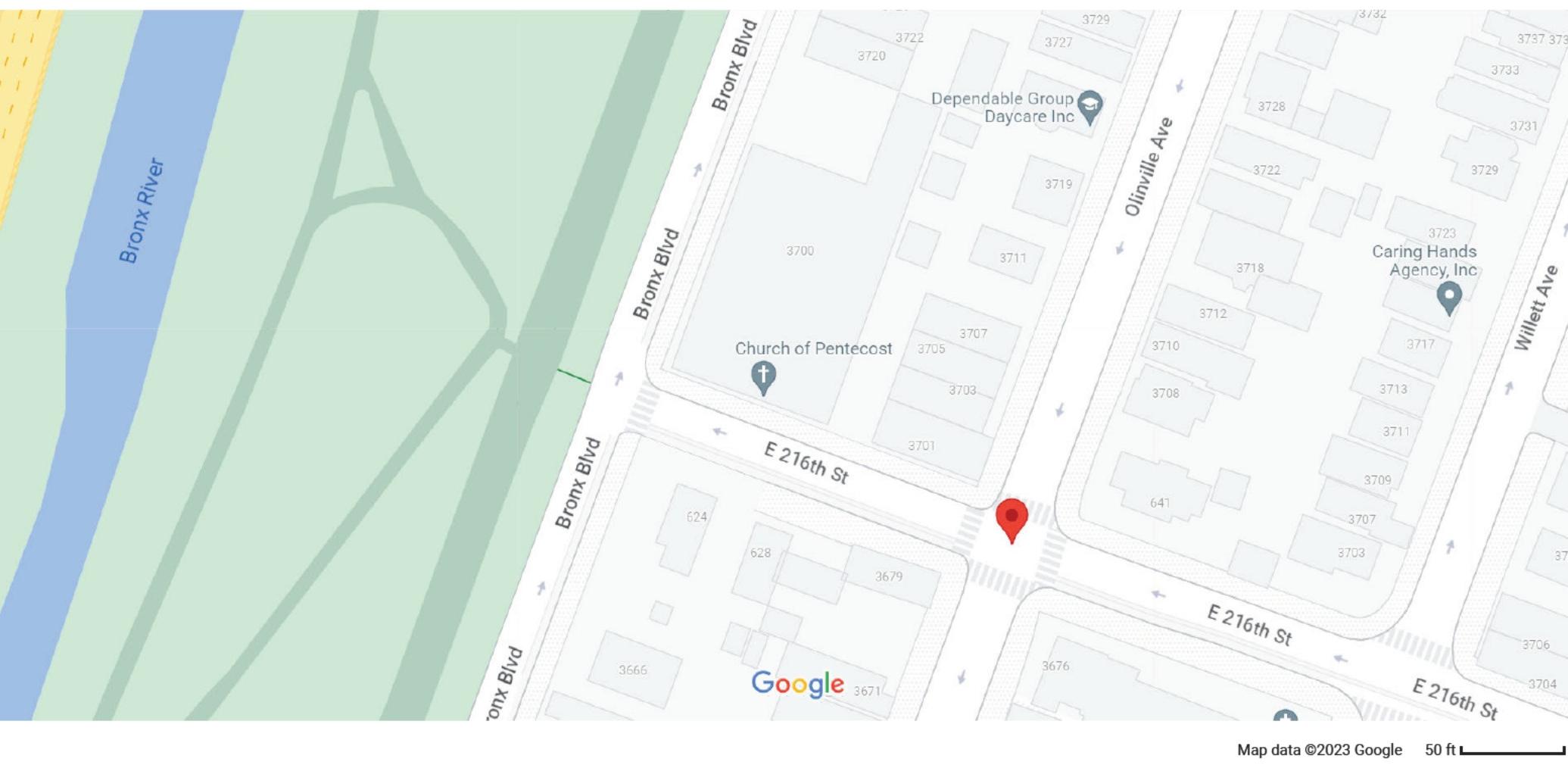


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DEFENDANT'S
EXHIBIT
G1



Map data ©2023 Google 50 ft

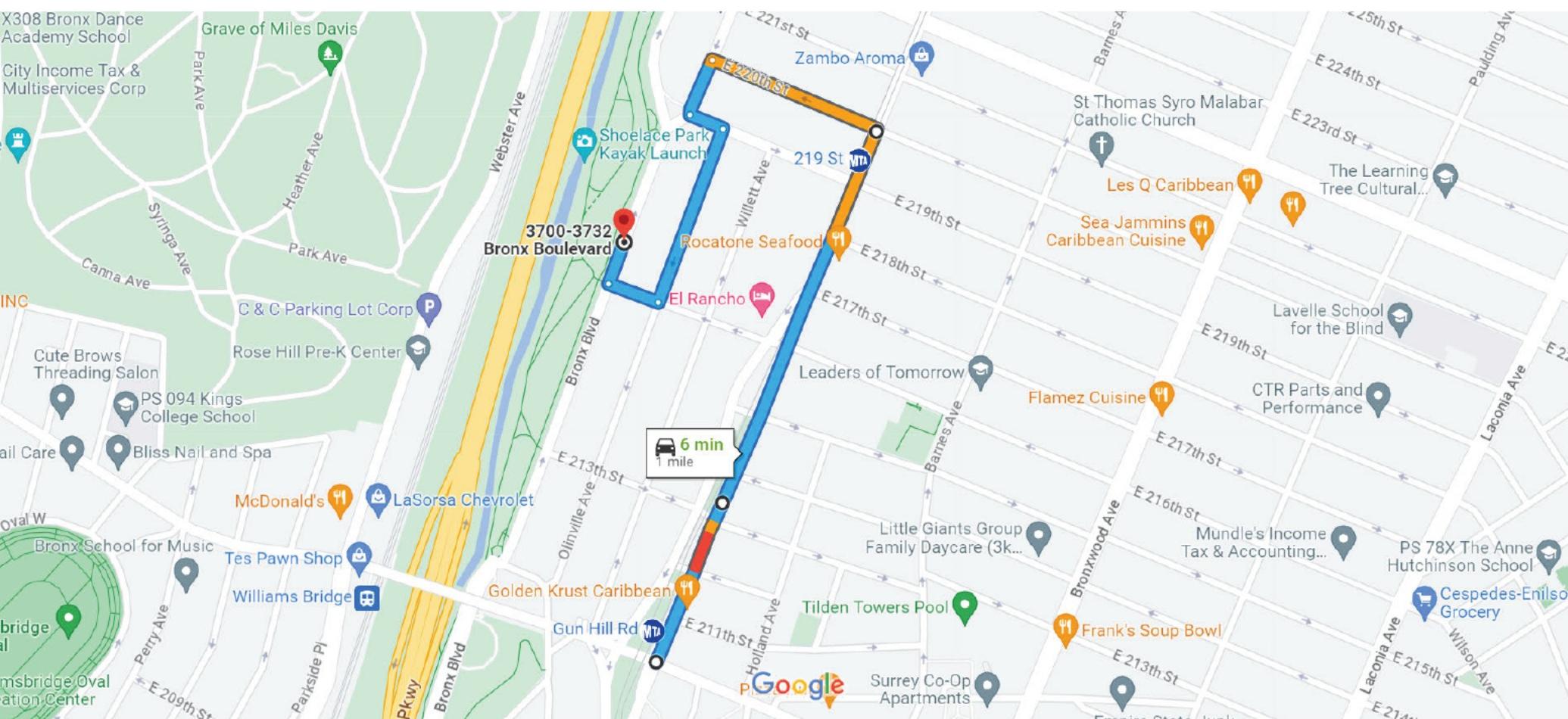
**DEFENDANT'S
EXHIBIT
G2**



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DEFENDANT'S
EXHIBIT
H



Map data ©2023 Google

500 ft

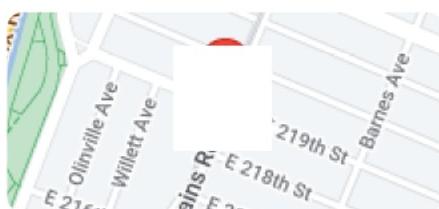
**DEFENDANT'S
EXHIBIT**

I

Google Maps 3777 White Plains Rd



Image capture: Feb 2022 © 2023 Google





Activity Log Report **Argenis Paulino (967243)**

No reported activities on 08/14/22 for TaxId 967243

**DEFENDANT'S
EXHIBIT
R**

**DEFENDANT'S
EXHIBIT
X**



Stipulation

The government met with Officer Paulino on September 1, September 15, September 20 and September 23.

The government's notes from the September 1 and September 15 meetings do not reflect that Officer Paulino said Mr. Fayton's car was involved in a near collision on 219th and Carpenter. The government's notes on September 20 reflect that Officer Paulino said Mr. Fayton's car almost caused a collision with another car exiting a spot.

In addition, none of the government's notes from each of the four meetings reflect that Officer Paulino said that Mr. Fayton: (1) failed to stop at a stop sign, or (2) failed to signal.

